

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UIC2612 – ISLAMIC CONSTITUTIONAL LAW

(All Sections / Groups)

12th OCTOBER 2019

Reading Time : 9.00 AM – 9.15 AM

(15 Minutes)

Answering Time: 9.15 AM – 12.15 PM

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. Answer **ONE (1) question only** from **Part A** and **ALL questions** from **Part B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of Translation of Al-Quran. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited. Students are not allowed to lend or borrow statute(s) and/or the Translation of Al-Quran during the Examination.
5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY [25 marks]**QUESTION 1**

Islamic polity derives its entire constitution from the Shari'ah. Thus, any contradiction that exists between any law or article in the constitution and Islam will exclude such a state from the circle of Islam and thus not considered an Islamic polity. Hence, Islam would define the state's foreign policy and objectives; question of the rulers and authorities; the formation of political parties, and the checks and balances that the state would establish to maintain its integrity.

Based on the above statement, discuss at least **FIVE (5)** main characteristics of Islamic politics. Support your answer with relevant authorities.

(Total 25 marks)

QUESTION 2

Robert A. Dahl defines politics as any persistent pattern of human relationship that involves to a significant extent, power and rule of authority. While in Islam, the word politics has been synonymous with the word *siyasah* which means to take care or to administer. Some Muslim scholars even defined *siyasah* as the art of the government, which is similar to the word of politic.

According to the statement aforementioned, describe the opinions of these Muslim scholars regarding the relationship of religion and polity. Among them are:

- 1) Al-Farabi; (5 marks)
- 2) Al-Mawardi; (5 marks)
- 3) Ibn Taymiyyah; and (8 marks)
- 4) Ibn Khaldun. (7 marks)

(Total 25 marks)

Continued

PART B: ANSWER ALL QUESTIONS (COMPULSORY) [75 marks]**QUESTION 3**

Darul Itqan is a monarchy headed by Sultan Muhammad Abduh. The Sultan is the Supreme Leader of the country who is elected by the Shura council, a council formed by 25 representatives chosen by the citizens of Darul Itqan. As an Islamic nation, its constitution has provided that the state shall implement Islamic law in every dealing. The real sovereignty is only to God and no others in all aspects.

Sultan Muhammad Abduh has two sons namely Prince Ahmad as the eldest, who is a graduate of Oxford University in Law & Legal Studies and Prince Ahyad as the youngest one, a friendly royale who is adorable and popular among the people. Both of them are pious, smart and brilliant notwithstanding that Prince Ahmad is not famous among the citizens.

One day, Sultan Muhammad Abduh fell ill and the doctor has verified that the Sultan has a very minimal chance to recover. Even if he recovers, he would not have the competency to fit the duties of being the King as he used to be. Looking at this situation, the Shura Council eventually convened a meeting to elect a new ruler. 20 members of the Shura council voted in favour of Tengku Ahyad as the new Sultan.

Based on the above scenario, decide the validity of the appointment of Prince Ahyad by virtue of the Islamic constitutional principles.

(Total 25 marks)

QUESTION 4

Kingdom of Assalam is an Islamic country which was established recently, on 27th January, 2019. It has constitutionally declared that the sole prerogative power belongs to Allah, the only God and the main sources of law are Al-Quran and Sunnah. The Constitution also states that the official religion of the country is Islam. More than 75% of the populations are Muslims and the rest are non-Muslims.

Rudy, a Christian is interested to live in Kingdom of Assalam as he would like to venture into the new Shariah-based investment scheme offered by one of the financial institutions in the country. He is also interested in Islamic banking systems practised by most of the banks in Kingdom of Assalam. Nevertheless, he was told by a friend, Dale that as a citizen in an Islamic country, he is not entitled to equal rights and freedom in many aspects of life including economic, social and cultural perspectives. In the meantime, they are also expected to shoulder certain responsibilities to the country.

Advise Rudy from Islamic constitutional point of views.

(Total 25 marks)

Continued

QUESTION 5

- 1) The concept of *Muhasabah* is a very important attempt in Islam for a believer to assert himself in his loyalty to God. It is also considered as strength in every organised society as one has to self-evaluate himself from day to day in order to improve himself in the future. The Ummah cannot live in peace and harmony without a state of unity followed by *Muhasabah*.

Based on the above statement, discuss the importance and division of the concept of *Muhasabah* that shall be practised as a vicegerent of God on earth. Support your answers in the light of authorities from The Holy Quran and Sunnah.

(15 marks)

- 2) "Communities of old came to grief and destruction because of the disparity and leniency shown to those in high positions when they committed such an offence. On the contrary, any offender of humble origin or lowly status in society had harsh punishment meted out to him. By God, if my own daughter Fatimah were to steal, I would have her hand cut off."
(Al-Bukhari, Muslim)

Based on the above Hadith, discuss the concept of equality in Islam with support from the Quranic injunctions and Hadith of the Prophet (pbuh).

(10 marks)

(Total 25 marks)

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